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6 Attorneys for Plaintiff  
United States of America  
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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14 v.  
15 MARIO GONZALEZ,  
16 Defendant.

CASE NO. 2:20-CR-13-WBS

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: October 5, 2020  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on October 5, 2020.  
21 2. The defendant intends to file a Motion to Suppress.  
22 3. By this stipulation, defendant now moves to continue the status conference and set it for  
23 evidentiary hearing on the Motion to Suppress on December 15, 2020 at 10:00 a.m., and to exclude time  
24 between October 5, 2020, and December 15, 2020, under Local Codes E and T4. In the event the Court  
25 rules on the motion without need for an evidentiary hearing, the December 15, 2020 date will revert to a  
26 status date.  
27 4. The parties agree and stipulate, and request that the Court find the following:  
28 a) The defendant intends to file a Motion to Suppress Evidence in this matter.

1           b)     The parties have conferred with the Court and propose the following schedule for  
2 the defendant's Motion to Suppress:

3                     October 19, 2020 – date by which defendant must file Motion to Suppress

4                     November 16, 2020 – date by which government must file its Response

5                     November 30, 2020 – date by which defendant must file his Reply, if any

6                     December 15, 2020 – date of evidentiary hearing and argument, if any

7           c)     Additionally, the government has represented that the discovery associated with  
8 this case includes video/audio recordings and written reports. The government has provided  
9 extensive discovery in the form of these recordings and reports. The government recently  
10 provided additional discovery in response to defense counsel's request.

11           d)     Counsel for defendant also desires additional time to review discovery, consult  
12 with his client, research his criminal history, pursue further investigation, discuss possible  
13 resolution with the assigned AUSA, file the aforementioned motion, prepare for any evidentiary  
14 hearing, and otherwise prepare for trial.

15           e)     Counsel for defendant believes that failure to grant the above-requested  
16 continuance would deny him the reasonable time necessary for to file and litigate the Motion to  
17 Suppress Evidence. Counsel for defendant also believes that failure to grant the above-requested  
18 continuance would deny him the reasonable time necessary for effective preparation, taking into  
19 account the exercise of due diligence.

20           f)     The government does not object to the continuance.

21           g)     Based on the above-stated findings, the ends of justice served by continuing the  
22 case as requested outweigh the interest of the public and the defendant in a trial within the  
23 original date prescribed by the Speedy Trial Act.

24           h)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
25 et seq., within which trial must commence, the time period of October 5, 2020 to December 15,  
26 2020, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(D) [Local Code E]  
27 because it results from a pretrial motion, from the filing of the motion through the conclusion of  
28 the hearing on or prompt disposition of the motion. Furthermore, for the purpose of computing

time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 5, 2020 to December 15, 2020, inclusive, is also deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 30, 2020

McGREGOR W. SCOTT  
United States Attorney

/s/ MICHAEL W. REDDING  
MICHAEL W. REDDING  
Assistant United States Attorney


Dated: September 30, 2020

/s/ Douglas Beevers  
Douglas Beevers  
Counsel for Defendant  
MARIO GONZALEZ

### FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: October 1, 2020

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE